IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.273 of 2012 along with LPA No.274 of 2012.

Judgment reserved on : 23.12.2014.

Date of decision: 31.12.2014.

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1. LPA No. 273 of 2012.

State of Himachal Pradesh and another .....Appellants.

Versus

Anjana Kapoor and others .....Respondents.

2. LPA No. 274 of 2012.

State of Himachal Pradesh and another .....Appellants.

Versus

Sushma Mehta and others .....Respondents.

Coram

The Hon'ble Mr. Justice Mansoor Ahmad Mir, Chief Justice.

The Hon'ble Mr. Justice Tarlok Singh Chauhan, Judge.

Whether approved for reporting?[1] No

For the Appellants : **Mr.Shrawan Dogra, Advocate General with Mr.Romesh Verma, Mr.Anup Rattan and Mr.M.A.Khan, Additional Advocate Generals, in both the appeals.**

For the Respondents : **Mr.Tara Singh Chauhan, Advocate, for respondent No.1, in both the appeals.**

Nemo for respondent No.2.

Mr.Ashok Sharma, Assistant Solicitor General of India, for respondent No.3, in both the appeals.

Tarlok Singh Chauhan, Judge.

Since common questions of law and facts arise for consideration in these appeals, the same are taken up together for disposal.

Whether the reporters of the local papers may be allowed to see the Judgment?

High Court of H.P.

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2. The appellants, who were respondents before the writ Court, have taken exception to the judgments passed by the learned writ Court whereby directions were issued to allow the writ petitioners to discharge their duties as Coordinator (Gender) in the State Support Centre under the Panchayat Mahila Evam Yuva Shakti Abhiyan Scheme.

3. It is averred that the Ministry of Panchayati Raj, Government of India, had launched a scheme namely Panchayat Mahila Evam Yuva Shakti Abhiyan during the 11th Five Year Plan. In pursuance to the guidelines of the above scheme, State Support Centre was established in Panchayati Raj Training Institute (PRTI), Mashobra, and the staff was appointed temporarily in the said Centre on contract basis after giving wide publicity to the same. It was particularly clarified in the advertisement that the post in question was on contract basis and would expire at the closure of the scheme and/or on non-availability of funds. It is then contended that the writ petitioners were appointed temporarily in the State Support Centre on contract basis on the post of Coordinator (Gender) under the provisions of the above scheme. The posts were filled up temporarily for a period of three months on contract basis which was further extended to two more months till 30.06.2011. The State Government had also clearly ordered that these posts were temporary and on contractual basis and would continue till the funds are received from the Ministry of Panchayati Raj, Government of India.

4. It is lastly contended that because of discontinuance of financial grants by the Government of India, the services of the writ petitioners automatically stood terminated as per the terms and conditions of their letters of appointment dated 23.04.2011.

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5. We wonder how the impugned judgments affect the rights of the writ petitioners and why these appeals. We observe so because the relevant portion of the impugned judgments reads thus:-

> *"5. Quite apparently, Union of India is ready to reimburse the amounts towards the expenditure incurred by the State Government for deployment of staff on contractual basis at the State Support Centre.*
>
> *6. It is agreed by the petitioner that she would not claim salary till such time the amount is actually received by the State from the Central Government under the Scheme.*
>
> *7. Consequently, present petition is disposed of with a direction to the respondents to allow the petitioner to discharge her duties as a Coordinator (Gender) in the State Support Centre, under Panchayat Mahila Evam Yuva Shakti Abhiyan. It is clarified that remuneration, in terms of contractual agreement, shall be disbursed to the petitioner only upon receipt of the amount from the Central Government."*

6. The judgments passed by the learned writ Court are absolutely clear and unambiguous whereby it has directed that the writ petitioners would be entitled to claim salary only till and so long the amount is received by the State from the Central Government. In case the State Government for any reason does not receive the funds from the Central Government under the scheme, the State is under no obligation to pay the writ petitioners their salaries.

7. No liability or obligation has been fastened upon the appellants to pay remuneration of the writ petitioners out of their own coffers and it has been made absolutely clear that remuneration in terms of the contractual agreement, would be disbursed by the appellants only upon receipt of the amount from the Central Government. Thus, it can safely be concluded that in absence of any direction against the

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appellants to pay the remuneration, the appellants cannot be considered to be “person aggrieved” so as to maintain these appeals before this Court.

8. Accordingly, both these appeals are dismissed on this ground alone leaving the parties to bear their own costs. Pending application(s), if any, also stand disposed of. The Registry is directed to place a copy of this judgment on the file of connected matter.

(Mansoor Ahmad Mir),
Chief Justice.

(Tarlok Singh Chauhan),
Judge.

December 31, 2014.
(krt)

High Court of H.P.

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